

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

AARON SLEDGE,

Plaintiff,

v.

TACIT, *et al.*,

Defendants.

Case No. 3:20-cv-00341-MMD-WGC

**ORDER****I. DISCUSSION**

Plaintiff, who is in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1). Upon review, the Court notes that Plaintiff did not sign the complaint. (*Id.* at 10). Under Rule 11 of the Federal Rules of Civil Procedure, a plaintiff who is not represented by counsel is required to sign his complaint. Fed. R. Civ. P. 11(a). Because Plaintiff did not sign the complaint, it is incomplete, and the Court cannot consider it.

As such, the Court grants Plaintiff a **one-time** opportunity to submit a signed amended complaint to the Court on or before **August 10, 2020**. If Plaintiff chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”); see also *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff’s amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff should file the amended complaint on this Court’s approved prisoner civil rights form, and it must be entitled “First Amended Complaint.”

1 The Court will not grant any further extensions of time beyond August 10, 2020. If  
2 Plaintiff is unable to file a signed amended complaint by August 10, 2020, the Court will  
3 dismiss this case without prejudice for Plaintiff to file a new case with the Court when  
4 Plaintiff is able to file a signed complaint. A dismissal without prejudice means Plaintiff  
5 does not give up the right to refile the case with the Court, under a new case number,  
6 when Plaintiff is able to file a signed complaint.

7 **II. CONCLUSION**

8 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall send  
9 to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and  
10 a copy of his original complaint, including exhibits. (ECF Nos. 1-1, 1-2). If Plaintiff files an  
11 amended complaint, he should use the Court's approved form and he must write the  
12 words "First Amended" above the words "Civil Rights Complaint" in the caption.

13 IT IS FURTHER ORDERD that if Plaintiff chooses to file a signed amended  
14 complaint, Plaintiff will file the signed amended complaint to this Court on or before  
15 **August 10, 2020.**

16 IT IS FURTHER ORDERED that, if Plaintiff does not file a signed amended  
17 complaint on or before **August 10, 2020**, the Court will dismiss this action without  
18 prejudice for Plaintiff to refile the case with the Court, under a new case number, when  
19 Plaintiff is able to file a signed amended complaint.

20 DATED THIS 11th day of June 2020.

21   
22 UNITED STATES MAGISTRATE JUDGE